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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,903	10/19/2001	Manoel Tenorio	020431.0954	8331

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DALLAS, TX 75234

EXAMINER

BADII, BEHRANG

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/032,903

Applicant(s)

TENORIO, MANOEL

Examiner

Behrang Badii

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

Applicant's arguments filed 1/3/06 have been fully considered but they are not persuasive. Cain et al. discloses separate mechanisms for classifying different items at different levels of the hierarchy in the taxonomy classification system as discussed below.

Further it would be inherent from the prior art that the higher-level group (master in relation to the lower level group) can be classified based on a different classification system (classification category) than from secondary group or items in the taxonomy structure.

**2112 [R-2] Requirements of Rejection Based on Inherency; Burden of Proof**

The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. "The inherent teaching of a prior art reference, a question of fact, arises both in the context of anticipation and obviousness." In re Napier, 55 F.3d 610, 613, 34 USPQ2d 1782, 1784 (Fed. Cir. 1995) (affirmed a 35 U.S.C. 103 rejection based in part on inherent disclosure in one of the references). See also In re Grasselli, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983).

**DETAILED ACTION**

Claims 1-22 have been examined.

P = page, e.g. p1 = page 1.

***Claim Rejections - 35 USC § 103***

Art Unit: 3621

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cain et al., WO 2001/55886 A2, and further in view of Wong et al., USP 5,890,175.

As per claims 1, 8, 15 & 22, Cain et al. discloses an electronic commerce system/method/software for generating, updating, and managing multi-taxonomy environments, the system comprising (product classification):

one or more databases operable to store product data for one or more products (p1, 7-12; p5, 28-32; p.6, 1-15, p.8, 1-18; fig.5; The system stores product data for different products one or more databases/ leaf nodes of the system);

a master global content directory (database) including a plurality of product classes organized in a hierarchy according to a first schema (classification module) ( p60, 9-24; p24, 6-12; fig4A; p35, 22-32; p36, 1-8; p40, 20-32; p43, 15-23; p44, 11-19), each product class categorizing a plurality of products and associated with one or more attributes of the products categorized in the product class, at least one of the product classes having one or more associated product pointers that identify one or more of the databases (p.5, 28-

Art Unit: 3621

32; p.6, 1-15; The system comprises of classifying products in a hierarchical organization consisting of master node of tree leaves);

one or more secondary content directories including one or more product classes organized in a hierarchy according to a second schema that is distinct from the first schema (classification module) ( p60, 9-24; p24, 6-12; fig4A; p35, 22-32; p36, 1-8; p40, 20-32; p43, 15-23; p44, 11-19) of the master global content directory, each product class being mapped to one or more product classes in the master global content directory and having one or more associated class pointers that identify the one or more product classes in the master global content directory to which the product class is mapped (p.5, 5-32; p.6, 1-32; (The system comprises of products being classified in a hierarchy that allows for the products to be placed due to their descriptions); and

a search interface (fig's 5-7) operable to:

receive a selection of a product class of a secondary content directory from a user, the selected product class having at least one class pointer. identifying at least one product class in the master global content directory (p.9, 1-24; fig.4b; p.66, 3-9; The system consists of secondary nodes which are classified in a hierarchy consisting of a primary node followed by secondary nodes which include products according to their descriptions.); and

communicate in response to selection of the product class by the user, a search query to one or more of the databases to search product data stored in the databases identified by one or more of the product pointers to facilitate a commercial transaction involving one or more products (p.9, 1-24; p.27, 1-32;

Art Unit: 3621

Merchants, buyers and sellers can search the hierarchy of products for their particular transaction). Cain et al. does not disclose different classification systems. Wong et al. discloses different classification systems (abstract). It would have been obvious to modify Cain et al. to include different classification systems such as that taught by Wong et al. in order to have a computerized method for dynamically generating and displaying a catalog including a plurality of items, each item being classified by at least group information and product information (abstract).

As per claims 2, 10 & 17, Cain et al. further discloses wherein the secondary content directories are personal to one or more users and are organized in a hierarchy satisfying one or more requirements for the users (p.9, 1-24; p.21, 1-32; fig.4b, 2 & 3a).

As per claims 3, 11 & 18, Cain et al. further discloses wherein a class pointer identifying a product class in the master global content directory also inherently identifies all product classes under the product classes in the hierarchy of the master global content directory (p.5, 28-32; p.6, 1-32; fig.5-7).

As per claims 4, 9, & 16, Cain et al. further discloses wherein the search interface is further operable to (fig's 5-7):

receive the selection of a product class of a secondary content directory from a user of the secondary content directory (p.5, 1-32; p.6, 1-32; p.8, 7-20);

receive one or more search parameters for a product from the user (p.9, 1-32);

determine the product classes in the master global content directory identified by the class pointers in the selected product class (p.5, 28-32, p.6, 1-32);

determine the databases identified by product pointers in the determined product classes of the master global content directory (fig.5-7; p.8, 1-20), and

communicate a search query having the search parameters to the determined databases (p.9, 1-32; p.66, 3-10; fig's 5-7).

As per claims 5, 12 & 19, Cain et al. further discloses wherein access to the master global content directory is determined by which product classes in the master global content directory are identified by class pointers associated with the product classes in a secondary content directory (p.9, 1-32; p.18, 7-20; fig's 5-7; p.66, 3-10).

As per claims 6, 13 & 20, Cain et al. further discloses wherein one or more of the product pointers identify particular product data in one or more of the databases (p.9, 1-32; p.18, 7-20; fig's 5-7; p.66, 3-10).

As per claims 7, 14 & 21, Cain et al. further discloses wherein the search query comprises desired values, specified by the user of one of the secondary content directories, for one or more of the product attributes associated with a selected product class (p.9, 1-32; p.66, 3-10; fig.7).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3621

Barton, III et al. (U.S. patent 6,026,381) discloses a financial market schema.

Foster et al. (U.S. patent application publication 2003/0130905) discloses a method, apparatus and system for merchandising related applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

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Art Unit: 3621

**or faxed to (571)273-8300**

Hand delivered responses should be brought to

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Any inquiry of a general nature or relating to the status of this  
application or proceeding should be directed to the Technology Center 3600  
Customer Service Office whose telephone number is **(571) 272-3600**.

Behrang Badii  
Patent Examiner  
Art Unit 3621

BB

*Behrang Badii*  
**PRIMARY EXAMINER**